

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/623,481	07/18/2003	Jong Lim	015662-002100US	4558
20350	7590 09/28/2006		EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			YOUNG, MICAH PAUL	
TWO EMBAR EIGHTH FLO	CADERO CENTER OR		ART UNIT	PAPER NUMBER
SAN FRANCISCO, CA 94111-3834			1618	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

#

		Application No.	Applicant(s)				
Office Action Summary		10/623,481	LIM ET AL.				
		Examiner	Art Unit				
		Micah-Paul Young	1618				
Period fo	The MAILING DATE of this communication Reply	on appears on the cover si	heet with the correspondence a	address			
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR FOR EXECUTION OF THE MAILING THE MAILING OF THE MAIL	NG DATE OF THIS COM CFR 1.136(a). In no event, however ion. period will apply and will expire SIX y statute, cause the application to be	MUNICATION. The many a reply be timely filed The many area of this become ABANDONED (35 U.S.C. § 133).				
Status							
1)	Responsive to communication(s) filed on	·					
2a) <u></u>	This action is FINAL . 2b)	This action is non-final.					
3)	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice ur	nder <i>Ex parte Quayle</i> , 193	35 C.D. 11, 453 O.G. 213.				
Dispositi	ion of Claims						
4)🖂	Claim(s) 1-46 is/are pending in the applic	cation.					
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
	6) Claim(s) is/are rejected.						
	7) Claim(s) is/are objected to.						
8)⊠	Claim(s) <u>1-46</u> are subject to restriction an	nd/or election requiremen	t.				
Applicati	ion Papers						
9)[The specification is objected to by the Exa	aminer.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
	Applicant may not request that any objection t	to the drawing(s) be held in	abeyance. See 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority u	under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
Attachment		" П.,					
2) [] Notice 3) [] Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-94 nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	18) Par 5) <u> </u>	erview Summary (PTO-413) per No(s)/Mail Date tice of Informal Patent Application per:				

Application/Control Number: 10/623,481 Page 2

Art Unit: 1618

DETAILED ACTION

Election/Restrictions

- 1. This application contains claims directed to the following patentably distinct species:
- 2. The first drug released:
 - a. Loop Diuretics
 - b. Thiazide diuretics
 - c. Potassium-sparing diuretic
 - d. Sulfonylurea compounds
- 3. The second drug released:
 - e. ACE inhibitors
 - f. Angiotensin II antagonists
 - g. Antibiotics of 40
 - h. Antidiabetic agents of claim 40 and 41
- 4. The species are independent or distinct because each class of drug named in the claims have different properties and functions.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 29 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable

Art Unit: 1618

thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Micah-Paul Young whose telephone number is 571-272-0608. The examiner can normally be reached on M-F 7:00-4:30 every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on 571-272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Micah-Paul Young Examiner Art Unit 1618

MP Young

MICHAEL G. HARTLEY
SUPERVISORY PATENT EXAMINER